UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

June 5, 2014

BLM Las Cruces District Office
Southline Transmission Project
Attention: Frances Martinez
1800 Marquess Street
Las Cruces, New Mexico 88005

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Bureau of Land Management (BLM) and Western Area Power Administration (Western) Draft Environmental Impact Statement (DEIS) for the Southline Transmission Line Project. The purpose of the DEIS is to analyze the potential impacts of the BLM's granting a right-of-way (ROW) to Southline Transmission, LLC (Southline), for the purpose of constructing and operating a 345-kilovolt (kV) overhead transmission line from the Afton Substation in New Mexico to the Apache Substation in Arizona.

EPA rates the DEIS as "**EC-2**" i.e., EPA has "environmental concerns and requests additional information" in the Final EIS (FEIS). The EPA's Rating System Criteria can be found at http:/www.epa.gov/compliance/nepa/comments/ratings.html. The "EC" rating is based on the potential for adverse impacts to protected species, public health and safety, historic, cultural, or archeological resources, and waters of the U.S. (WUS). The "2" indicates the DEIS does not contain sufficient information to fully assess protected species, noise, public health and safety, prime farmlands, historic, cultural, or archeological resources and WUS. We have enclosed detailed comments which clarify our concerns. Responses to comments should be placed in a dedicated section of the FEIS and should include the specific location where the revision, if any, was made.

EPA appreciates the opportunity to review the DEIS. Please send our office one copy of the FEIS when it is electronically filed with the Office of Federal Activities. This letter will be published on the EPA website, www.epa.gov, according to our responsibility under Section 309 of the CAA to inform the public of our views on the proposed Federal action. If you have any questions or concerns, I can be reached at 214-665-7505, or contact Keith Hayden of my staff at hayden.keith@epa.gov or 214-665-2133.

Sincerely,

for Craig Weeks
Chief, Office of Planning
and Coordination

Enclosure

DETAILED COMMENTS ON THE
BUREAU OF LAND MANAGEMENT AND
WESTERN AREA POWER ADMINISTRATION
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE SOUTHLINE TRANSMISSION LINE PROJECT

BACKGROUND: The proposed DEIS and Draft Resource Management Plan Amendment (RMP) would include the construction of approximately 240 miles of new double-circuit 345-kV transmission line, and the upgrade of approximately 120 miles of Western's existing Saguaro–Tucson and Tucson–Apache 115-kV transmission lines to a double-circuit 230-kV transmission line. The project would also involve the interconnection and upgrade of 14 existing substations along the project route in New Mexico and Arizona, and the potential construction of a new 345-kV substation facility proposed for Luna County, New Mexico. This DEIS includes an analysis of an RMP amendment due to portions of alternative route segments crossing visual resource management (VRM) class II areas, and avoidance areas designated for the Butterfield Trail near Lordsburg Playa.

Southline submitted an application to the BLM to use BLM-administered public lands for a portion of the proposed project. Southline requested consideration of its project for Western funding under the amended Hoover Power Plant Act of 1984. BLM must consider Southline's request to be granted a ROW on BLM-administered public lands for the construction, operation, maintenance, and decommissioning of the proposed transmission line. Western must consider the upgrading of two of its existing transmission lines, use of existing transportation easements, and funding under the Hoover Act.

ALTERNATIVES CLARIFICATION

Chapter 2; page 117

The potential alignments of the transmission lines in this project are divided into routes, subroutes, segments, and nodes; from largest to smallest respectively. Many of the route segments have multiple nodes which share the same name. For instance, there are 3 nodes of segment LD4 and 2 nodes of segment LD3a. When the existing environment or environmental consequences are being described it is difficult to determine which node is being discussed.

Also, when describing effects scale is important. Air resources can be affected over many miles or counties, whereas cultural resources may be limited to an exact location. Stating an effect occurs in route segment "P2", when "P2" is over 20 miles long, does not let the reader know exactly where the effect is taking place. This makes it difficult to perform a comparative analysis of every alternative.

> ***Recommendation:***
> When describing the environment or effect of the project, consider the scale, and be as exact as necessary in stating the location where the effect is taking place.

Chapter 2; page 143

There is a selection of an environmentally preferred alternative and a listing of the route segments that comprise this alternative. There is also a brief description of why the alternative is more environmentally preferred. Missing from the document is a rationale, e.g. cost, as to why this alternative was not chosen.

Recommendation:
In cases where the environmentally preferred alternative differs from the agency preferred alternative, explain why the environmentally preferred alternative was not chosen.

WETLANDS/WATERS OF THE US

Executive Summary; page xxii

The DEIS states "Potential impacts to water resources include the potential for discharge of pollutants, including sediment, to groundwater or surface water, the placement of larger structures within floodplains, and potential disturbance of waters of the U.S. (WUS) or wetlands."

Recommendation:
Change the word "or" to "including" as wetlands are considered WUS under the Clean Water Act (CWA). If there is a need to differentiate between jurisdictional wetlands and isolated wetlands or "non-jurisdictional" wetlands; then that distinction should be made.

Chapter 2; page 46

The DEIS states "General water quality is protected under the Federal Clean Water Act (CWA), and a permit may be required if a project would result in discharges to regulated WUS. The purpose of a Stream, Wetland, Well, and Spring Protection Plan (SWWSPP) would be to describe measures to protect those resources from potential impacts during construction, operation, and maintenance activities. The plan would describe avoidance, minimization, and mitigation measures and would be intended for use as a guide to determine the appropriate site-specific measures to be implemented during construction activities. Also, page 42 of the DEIS states the final Plan of Development (POD) for the SWWSPP will not be completed until after the FEIS.

Recommendation:
A draft POD should be made a part of the FEIS so measures for avoiding, minimizing, and mitigating impacts to aquatic resources can be reviewed and commented on. Without knowing the finalized route, having a field verified delineation of WUS, or the mitigation required to offset project impacts; it is difficult to adequately assess the environmental impacts of the proposed project.

Chapter 3; page 258

Portions of the wetlands and WUS section state that wetlands, ephemeral arroyos, special aquatic sites, and drainages exist within the analysis area, and would require protection or compensatory mitigation if permanently impacted.

Recommendation:
Jurisdictional wetlands and other special aquatic sites are protected under the CWA. The nature of the impact, permanent or otherwise, has no bearing on that determination. Both permanent and temporary impacts to jurisdictional waters would be addressed under Section 404 of the CWA, which requires that all practicable alternatives for avoiding and minimizing impact to WUS be made, and that all unavoidable impacts be mitigated. Please make clear in the FEIS that any impacts to wetlands will require protection or mitigation.

Chapter 3; page 258:

The DEIS states "An inventory of all wetlands within analysis area boundary from National Wetlands Inventory (NWI) maps indicates that approximately 7,639 acres of wetlands occur within the analysis area, consisting of 20 freshwater ponds (typically stock tanks), 6 lakes, 1 freshwater forested/shrub wetland, and 3 other wetland areas."

Recommendation:
It is evident that the NWI maps serve as the bases for determining the presence or absence of aquatic features for this document. The NWI maps provide a good starting point, however, it should be noted that NWI maps are not intended to delineate or certify the presence or absence of jurisdictional WUS. Also, NWI maps are not 100% accurate in identifying aquatic features. Prior to commencement of dredge or fill activities a field verification along the alignment should be made to accurately delineate WUS, including wetlands, should be made. This field verification should be conducted in conjunction with the Clean Water Act Section 404 permitting process.

CULTURAL RESOURCES

Chapter 4; section 4.9 and 4.10

The project as a whole has been determined to have adverse effects to cultural, archeological, and historical resources. Some of these impacts are directly to the resources in question, and others are visual impacts associated with these resources. Each route group has surveyed resources that will be affected, under evaluated resources where determinations of eligibility have yet to be completed, and large areas that have not been surveyed. Due to the projects size and clear potential for adverse effects to occur, a Programmatic Agreement (PA) for the proposed project is currently being developed to comply with 36 CFR 800.4(b)(2) and 800.14(b)(1)(ii). According to the DEIS, the PA is a legally binding document which will outline the process that will be followed to identify, evaluate, and mitigate historic properties that may be affected by the proposed project.

Recommendation:
The proposed project will have many direct and indirect adverse impacts to cultural, archeological, and historical resources. Include a finalized PA, signed by all the parties listed in the Draft PA, in the FEIS. Also include any correspondence between the signatories of the PA, such as, consultation with any Tribal Historic Preservation Officer (THPO), State Historic Preservation Officer (SHPO), and Federal or State agency.

WILDLIFE/SPECIAL STATUS SPECIES

Chapter 5; page 1130

The DEIS states there will be adverse effects to threatened and endangered species and migratory birds. According to the DEIS, BLM has consulted the U.S. Fish and Wildlife Service (FWS) to gather information on species occurrence, potential effects of the action on species, and species specific mitigation measures. At this time consultation is ongoing. Section 5.6 is titled "Formal Consultation", and Section 7 of the Endangered Species Act (ESA) is a sub-heading of this section. If formal consultation on Section 7 of the ESA was entered into between BLM and FWS, it is not apparent. Formal Section 7 consultation has strict time frames that must be adhered too, whereas, informal consultation does not. There is no correspondence between BLM and FWS to determine when formal consultation was initiated. There is not a biological assessment from BLM or a biological opinion from FWS to determine the effects of the project on special status species.

Recommendation:
The FEIS should include correspondence between BLM and FWS to determine if formal or informal consultation is occurring. Include the biological assessment from BLM if one was prepared. The FEIS should also contain a biological opinion from FWS.

PUBLIC HEALTH AND SAFETY

Chapters 3 and 4

Valley Fever (coccidioidomycosis) has a high prevalence rate in Arizona. Of the 150,000 valley fever infections diagnosed each year in the US, 60% occur in Arizona. Since the Arizona Department of Health Services made it a reportable disease in 1997, the rate of new Valley Fever cases has more than quadrupled over the last decade from 36 cases per 100,000 population in 1999, to 155 cases per 100,000 in 2009. More than 90% of the reported cases occur within a narrow 200 mile corridor generally following Interstate 10; stretching from Northwest Maricopa County to Green Valley in the southern part of Pima County. This area includes the major metropolitan areas of Phoenix and Tucson.

Recommendation:
The Final EIS should consider that workers contracting Valley Fever is a possibility, and describe any additional mitigation or prevention measures that may be used.

AIR RESOURCES

Additional mitigation measures: page 606

This section notes that emissions related to construction impacts will be minimized through best management practices (bmp's) and other mitigation measures.

> ***Recommendation:***
> EPA recommends that a Construction Emissions Mitigation Plan (CEMP) be developed for the project, and in addition to all applicable local, state, or federal requirements, the following mitigation measures be included in the CEMP in order to reduce air quality impacts associated with emissions of NOx, CO, PM, SO_2, and other pollutants from construction-related activities:

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate at active and inactive sites during workdays, weekends, holidays, and windy conditions;
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions; and
- Prevent spillage when hauling material and operating non-earthmoving equipment and limit speeds to 15 miles per hour. Limit speed of earth-moving equipment to 10 mph.

Mobile and Stationary Source Controls:

- Plan construction scheduling to minimize vehicle trips;
- Limit idling of heavy equipment to less than 5 minutes and verify through unscheduled inspections;
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, prevent tampering, and conduct unscheduled inspections to ensure these measures are followed;
- If practicable, utilize new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, commit to the best available emissions control technology. Tier 4 engines should be used for project construction equipment to the maximum extent feasible;
- Lacking availability of non-road construction equipment that meets Tier 4 engine standards, the responsible agency should commit to using EPA-verified particulate traps, oxidation catalysts and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site; and
- Consider alternative fuels and energy sources such as natural gas and electricity (plug-in or battery).

Administrative controls:

- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking;
- Develop a construction traffic and parking management plan that maintains traffic flow and plan construction to minimize vehicle trips; and

- Identify sensitive receptors in the project area, such as children, elderly, and infirmed, and specify the means by which impacts to these populations will be minimized (e.g. locate construction equipment and staging zones away from sensitive receptors and building air intakes).

NOISE AND VIBRATION

Chapter 4; page 627

All 4 route groups have noise sensitive receptors (nsr's) that will experience short-term construction noise as high as 83 a-weighted decibels (dBA). BMP's discussed in the DEIS, and in the Programmatic EIS developed for Western States Energy Corridors, are expected to reduce the noise levels below the maximum level. The DEIS also states that the project will comply with all local noise ordinances. There is not a quantitative or qualitative discussion of how much noise levels will be reduced, and if this reduction will comply with local ordinances or the Noise Pollution Control Act of 1972.

Recommendation:
The FEIS should include a quantitative or qualitative discussion of how much noise levels will be reduced by project bmp's.

FLOODPLAINS

Chapter 4; page 685

The new build and upgrade sections of the proposed project have unavoidable impacts to floodplains associated with placing structures in floodplains. This requires consultation with the FEMA designated floodplain administrator for the area.

Recommendation:
Please consult the local FEMA floodplain administrator to determine if project impacts to floodplains will remain within allowable levels. Include this consultation in the FEIS.

FARMLANDS

Chapter 4; page 935

The agency preferred alternative will have adverse impacts to Farmland of Statewide Importance, Farmland of Unique Importance, and Prime Farmland. The impacts are not designated as significant by BLM because they do not comprise greater than 10% loss of prime or unique farmlands. Regardless of the 10% significance level established by BLM, any impacts to prime or unique farmlands require consultation with the National Resource Conservation Service (NRCS).

Recommendation:
The FEIS should have consultation documents between BLM and NRCS for prime and unique farmlands. The documents should indicate if the impacts to prime farmland soils are below de minimus levels and require no further consultation, or that further consultation and mitigation of impacts in necessary.

GEOLOGY AND MINERAL RESOURCES

Chapter 3; page 220

Line 24 of the DEIS states no earth fissures are documented in route group 1. Line 27 says route group 1 crosses approximately 227 fissures.

Recommendation:
For the FEIS, please clarify which information regarding fissures and route group 1 is correct.

CUMULATIVE IMPACTS

Chapter 4; page 1067

The DEIS provides a list of reasonably foreseeable future projects for the upgrade section in Table 421-1 (p. 1067). The DEIS lists the Electrical District 5 – Palo Verde Hub Project, 109 miles in Maricopa and Pinal counties, but does not list the Electrical District 2 to Saguaro #2 Transmission Line Rebuild Project.

Recommendation:
The FEIS should update the list of reasonably foreseeable projects used in the cumulative effects analysis to include the proposed Electrical District 2 to Saguaro #2 Transmission Line Rebuild Project.

CONSULTATION AND COORDINATION

Chapter 5; page 1126

Coordination with several local, state, and national agencies concerning environmental laws and executive orders is ongoing. Without specifics, and the available opinions of the agencies BLM is tasked with consulting, it is difficult to assess the potential environmental effects of the DEIS.

Recommendation:
EPA asks that BLM not release the Record of Decision (ROD) until all applicable permits and coordination has been finalized.